

AO 88 (Rev 11/91) Subpoena in a Civil Case

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ILLINOIS

Life is Good, Inc.,

SUBPOENA IN A CIVIL CASE

v.

LG Electronics, U.S.A., Inc., et al.

CASE NUMBER: 04-11290 REK (USDC for
the District of Massachusetts)

TO: Sears, Roebuck & Co.
New York Corporation
3333 Beverly Road
Hoffman Estates, IL 60179

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the deposition in the above case.

PLACE OF DEPOSITION:

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A

PLACE Timothy A. Lemper, Esq.
Finnegan, Henderson, Farabow, Garrett & Dunner LLP
901 New York Ave., N.W.
Washington, DC 20001

DATE AND TIME
October 31, 2005

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which a person will testify. Federal Rules of Civil Procedure. 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE ATTORNEY FOR PLAINTIFF OR DEFENDANT)
Timothy A. Lemper, Esq., Attorney for Defendants

DATE
October 24, 2005

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
Timothy A. Lemper, Esq.
Finnegan, Henderson, Farabow, Garrett & Dunner LLP
901 New York Ave., N.W.
Washington, DC 20001
202-408-4000

**Exhibit 8 to
Lemper Declaration**

(See Rule 45 of Federal Rules of Civil Procedure Parts C & D on Reverse)

AO 88 (Rev 11/91) Subpoena in a Civil Case

PROOF OF SERVICE

	DATE	PLACE
SERVED		
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
SERVED BY (PRINT NAME)	TITLE	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct:

Executed on _____
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

SCHEDULE A

Definitions and Instructions:

1. References to "You" and "Your" specifically relate to Sears, Roebuck & Co., and any related business entity, employees, agents, and representatives.
2. The term "document" or "documents" has the same meaning as set forth in Rule 34(a) of the Federal Rules of Civil Procedure, including but not limited to: drafts, handwritten notes, memoranda, reports, customer surveys, electronic mail messages, web pages, and other digital documents, whether or not previously printed.

Documents Requested:

1. All non-privileged documents and things in Your possession, custody, or control that contain, evidence, or refer or relate to the use of any phrase comprised of or containing "Life Is Good" or "Life's Good" (including the phrase "Good Life," "Good Life. Great Price," or a similar phrase containing the words "life" and "good," or a variation of either word, e.g. "Life is Great," "Living Good," "Live Good") on or in connection with the marketing, advertising, promotion, offer for sale, or sale of any product or service (including but not limited to products, product samples, advertisements, promotions, promotional items, business plans, or other marketing materials), including but not limited to the advertisements referenced in Exhibit 1.
2. All non-privileged documents and things in Your possession, custody, or control that refer or relate to any trademark application or registration for any mark comprised of or containing "Life Is Good" or "Life's Good" (or the phrase "Good Life," "Good Life. Great Price," or a similar phrase containing the words "life" and "good," or a variation of either word, e.g. "Life is Great," "Living Good," "Live Good"), including but not limited to the applications and registrations referenced in Exhibit 1.
3. Representative documents and things sufficient to identify the details of Your sale or distribution of products and/or services bearing the phrase "Life Is Good" or "Life's Good" (or the phrase "Good Life," "Good Life. Great Price," or a similar phrase containing the words "life"

and “good,” or a variation of either word, e.g. “Life is Great,” “Living Good,” “Live Good”), including but not limited to the number of units ordered, sold, or distributed, the geographic area of sale or distribution, the dollar amount of all sales, the price of the goods/services, etc.

4. Representative documents and things sufficient to identify the details of all advertisements and promotions created and/or disseminated by You that contain the phrase “Life Is Good” or “Life’s Good” (or the phrase “Good Life,” “Good Life. Great Price,” or a similar phrase containing the words “life” and “good,” or a variation of either word, e.g. “Life is Great,” “Living Good,” “Live Good”), including but not limited to documents sufficient to identify each different advertisement or promotion, the date and place of each advertisement or promotion (i.e. the name of the publication or event), the method of distribution (e.g. television, radio, magazines, trade shows), the geographic scope of each advertisement or promotion, and the total dollar amount of advertising and promotional expenses.

**United States Patent and Trademark Office**

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Word Mark GOOD LIFE. GREAT PRICE.
 Goods and Services IC 035. US 100 101 102. G & S: RETAIL DEPARTMENT STORE SERVICES. FIRST USE: 20030504. FIRST USE IN COMMERCE: 20030504

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK
 Serial Number 78493813
 Filing Date October 4, 2004
 Current Filing Basis 1A
 Original Filing Basis 1A
 Published for Opposition October 18, 2005
 Owner (APPLICANT) Sears Brands, LLC LIMITED LIABILITY CORPORATION ILLINOIS 3333 Beverly Road Hoffman Estates ILLINOIS 60179
 Attorney of Record Scott S. Havlick
 Type of Mark SERVICE MARK
 Register PRINCIPAL
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News Release

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Sears Brings More of the Good Life Online by Adding Apparel and Home Fashions to Sears.com

Online Shoppers Can Customize Tens of Thousands of Items With Sears Virtual Decorator(SM) and My Virtual Model(TM)

HOFFMAN ESTATES, Ill., Sep 13, 2004 /PRNewswire via COMTEX/ – Sears, Roebuck and Co. (NYSE: **S**) debuts a newly enhanced web site today from which customers can fill their closets and shop for every room in their home, too. From trendy trenchcoats and Italian wool sweaters to luxurious bedding and plush towels, online shoppers at sears.com now have access to more than tens of thousands of apparel and home fashion items from one of America's largest clicks-and-bricks retailers.

"Sears' online shoppers have been demanding apparel, so we're pleased to give them what they've been asking for and in a way that no other national retailer can," said Bill Bass, Sears vice president and general manager, Customer Direct. "Our virtual customization features, Sears Virtual Decorator and My Virtual Model, are innovations that make our customers' online shopping experience even more useful and beneficial. We're giving them the ability to visualize how Sears' products will fit into their lives."

Shoppers logging onto sears.com will find a wide selection of the company's best-selling apparel items in women's, men's and kids departments. Key national brands such as Lee, Levi, Dockers and Russell Athletic are available online, as well as Sears' top private label apparel brands, including Apostrophe, Covington and Lands' End. Sears.com customers also will be the first to preview and purchase Structure, the highly anticipated exclusive new line of men's apparel, footwear and accessories debuting in five major markets this fall. AllLine, the updated fashion line of women's apparel made exclusively for Sears by Jones Apparel Group, also launches online and in 450 Sears stores nationwide this fall. To complement its apparel selection, sears.com plans to begin selling footwear and other accessories in 2005.

New Enhancements to My Virtual Model

Shoppers can visualize how they look in Sears' apparel through the popular My Virtual Model feature, which was pioneered on landsend.com. Customers provide their height, weight and personal characteristics to create their own customized online "model" to try on clothing. The updated version of My Virtual Model now available on sears.com allows shoppers to zoom in and get a close look at fabric and construction detail, and change an item's color. Sears.com is the first national retailer to offer online shoppers the ability to conveniently "try on" multiple apparel brands.

Introducing ... Sears Virtual Decorator

With the widespread popularity of shows like ABC's Extreme Makeover: Home Edition starring Ty Pennington, and other home decorating programs, sears.com is now helping shoppers create their own "dream" rooms online. Only sears.com shoppers can use an exclusive state-of-the-art "Virtual Decorator" feature modeled closely after My Virtual Model. Users who want to redecorate or enhance their bedroom can view an image of a room on their computer screen and browse through a selection of Sears' proprietary home fashions, including Lands' End, Whole Home and Colormate. As shoppers click on choices for Sears' home fashion merchandise including bedding, floor coverings, window treatments and pillow options, the items are placed accordingly throughout the room. Users can get the full effect of their room "makeover" by hanging artwork or "painting" their room with a choice of colors available from Easy Living paint and choosing flooring finishes.

Sears.com has plans in the coming months to give customers the ability to design their ideal kitchens complete with Kenmore appliances or their garages with Craftsman tools and storage products. Additional room decorating options will be added to the Sears Virtual Decorator feature during the next year to continue helping shoppers create solutions for home decorating.

"Sears and Lands' End, together with the technology of My Virtual Model, continue to enhance the online shopping experience with multi-brands of fashion and home decor," said Louise Guay, president of My Virtual Model.

About Sears

Sears, Roebuck and Co. is a leading broadline retailer providing merchandise and related services. With revenues in

America's Promise and the Points of Light Foundation Join Sears to Announce An Unparalleled Initiative to Empower Youth

Sears Good Life Alliance Pledges One Million Volunteer Hours Over the Next Three Years

ORLANDO, Fla., June 25 /PRNewswire/ -- Retired General Colin L. Powell, chairman of America's Promise, today joined Sears, Roebuck and Co. (NYSE: S), and the Points of Light Foundation at the National Community Service Conference in Orlando to launch the Sears Good Life Alliance, a strategic initiative to build volunteering and strengthen communities in support of America's youth. Sears set a goal of 1 million volunteer hours over the next three years, engaging the entire Sears family -- Sears associates, their families, retirees, vendors and even customers -- to support their local youth and communities.

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"The Sears Good Life Alliance is a strong partnership that will help make it easier for people to get involved," said General Powell. "With its physical presence in thousands of communities, millions of Sears associates and customers, and powerful marketing muscle, the Sears Good Life Alliance brings unprecedented resources together in support of America's youth and takes a leadership role in helping the communities it serves."

General Powell will introduce the Sears Good Life Alliance on the cover of a special Sears newspaper insert on Sunday, July 2 that will reach 53 million households. The insert will also promote the 1-800-VOLUNTEER phone line, the nationwide service of the Points of Light Foundation that helps America's volunteers by connecting them with their local Volunteer Centers. The service will connect Sears associates, customers and retirees with organizations in their communities that need volunteer support.

Information about the Sears Good Life Alliance will also be available in Sears stores through a special kiosk and signage as well as on the Sears Good Life Alliance Web site at <http://www.sears.com/alliance> (active 6/29/00).

"A major barrier that keeps people from volunteering is that they often don't know how to get involved," said Robert K. Goodwin, president and CEO of the Points of Light Foundation. "By sponsoring and aggressively promoting 1-800-VOLUNTEER, the Sears Good Life Alliance overcomes this barrier and makes it easy for everyone to connect with the Volunteer Center in his or her community and local volunteer opportunities."

"At Sears, volunteering has always been an important part of our history, and we're launching the Sears Good Life Alliance with our two highly respected partners to build on our commitment," said Mary Conway, president of Sears Full Line Stores. "The Sears Good Life Alliance focuses on the community-based efforts of the entire Sears family in helping our youth experience the hope and possibilities of what the 'good life' offers in America."

Examples of Sears volunteerism include:

- In Phoenix, Sears associates participate in March of Dimes walk-a-thons and Habitat for Humanity construction projects and donate merchandise to abuse shelters;
- Woodlands, Texas, associates organize drives for blood, clothing and food;

- 1945 Sears sales exceed \$1 billion.
- 1953 Simpsons-Sears, Ltd. established in Canada.
- 1973 Sears moves its national headquarters to Sears Tower.
- 1981 Sears acquires Dean Witter Reynolds Organization and Coldwell, Banker & Company.
- 1985 Discover Card introduced nationally.
- 1986 Sears celebrates its 100th anniversary.
- 1993 Sears sells (IPO) 20 percent of Dean Witter shares to public, spins-off remaining shares to shareholders. New company called Dean Witter, Discover & Co.
- 1993 Sears sells 20 percent of Allstate to public.
- Sears sells Coldwell Banker Residential Services and Sears Mortgage Banking Group.
- Sears introduces popular "Come see the softer side of Sears" advertising campaign.
- 1994 Sears appoints Arthur C. Martinez as Chairman of the Board and Chief Executive Officer.
- 1995 Sears launches the KidVantage Program.
- 1996 Sears opens The Great Indoors stores. Sears makes Craftsman® tools available on-line.
- Sears becomes a founding sponsor of the Women's National Basketball Association.
- 1997 Sears launches Wishbook.com.
- 1998 Sears introduces "The Good Life at a Great Price" advertising campaign.
- Sears launches Sears.com.
- 2000 Sears appoints Alan Lacy as Chairman of the Board and Chief Executive Officer.
- 2001 Sears returns to downtown Chicago, opening a new flagship store on State Street.

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www.gijoesradioelectronics.com